## REMARKS

All claims stand rejected under 35 USC 103 over the admitted prior art (the APA) in view of Junttila. The examiner takes the position that the APA discloses every element of claim 15 except for a support part (corresponding to the part 53 in the case of the embodiment shown in FIG. 4 of the drawings) and a collar of resilient material surrounding the support part (corresponding to the collar 54 in the case of the embodiment shown in FIG. 4), the collar being under compression. The examiner takes the position that the element A of the control device shown in FIGS. 2a and 2b of Junttila includes both a support part (designated A in the annotated version of FIG. 2b) and a collar of resilient material (designated B in the annotated version of FIG. 2b). Although not stated explicitly, the examiner appears to take the position that it would have been obvious to a person of ordinary skill in the art to have modified the door closer shown in FIG. 2 of the APA by employing the control device shown in FIGS. 2a and 2b of Junttila in place of the control device 21 or 22 shown in FIG. 2 of APA. Applicant respectfull disagrees with the examiner's analysis.

Applicant notes first of all that the control device shown in FIGS. 2a and 2b of Junttila is designed for use in the door closer shown in FIG. 3 of the reference. In this case, the axial position of the control device relative to the throttle channel 12 opening into the bore 13 controls the flow resistance encountered by oil flowing from the channel 12 to the channel 14. The notch provided in the end of the control member 2 provides another means for adjusting the flow resistance depending on the axial position of the control device. It is clear from a comparison of FIGS. 2a and 2b with FIG. 3 that the element designated B by the examiner would not be a tight fit in the bore 13 of the door closer shown in FIG. 3. Moreover, as pointed out by the examiner, the control end of the control member 2 shown in FIGS. 2a and 2b of the APA is solid, not hollow.

It appears from the annotated FIG. 2b that the element B is of uniform diameter except for the notch C. It is not clear from the annotated FIG. 2b whether the examiner

considers that the element A includes any or all of the element B, but applicant will assume that element A does not include element B.

The apt dictionary definition of a collar is a short ring formed on or fastened over a rod or shaft as a locating or holding part. This dictionary definition is consistent with the structure and function of the collar 54 shown in FIG. 4 of this application. The element B of the control member 2 shown by Junttila is not a ring formed on or fastened over the element A as a locating or holding part. On the contrary, except for the notch, the element B is in the nature of a solid cylinder, not a ring, and does not serve to locate or hold the element A. Junttila does not disclose or suggest that the element B restrains the control member 2 against rocking or swaying when installed in the door closer disclosed by Junttila. In order for the control member 2 of Juntilla as applied to the control device shown in FIG. 3 of the APA, to restrain the control device against rocking or swaying movement when installed in the door closer shown in FIG. 2 of the APA, it would be necessary for the element B to be a tight fit in the blind bore, and there is no suggestion in the prior art that this should be so. Moreover, if the blind segment of the bore of the APA were smaller in diameter, so as to receive the element B with a tight fit, the fact that the control member tapers toward the element B means that if the control device were tightened, the control member 2 would be damaged by engaging the rim of the blind segment.

As motivation for replacing the control member 35 of the APA with the control member 2 of Junttila, the examiner suggests that this would allow the control member to be made of a different material from the guiding (or adjustment) part of the control device. However, since paragraph [006] of the APA refers to the control part 35 and guiding part 32 being made of different materials, the motivation is absent.

The examiner's comment regarding the solid material of the control member shown in FIG. 2b of Junttila versus the hollow body shown in FIG. 1b of the reference is not well taken since the issue is whether it would have been obvious to apply the control member shown in FIG. 2b to the APA, not to the control device shown in FIG. 1 of Junttila.

In view of the foregoing, applicant submits that claim 13 is patentable, and it follows that the dependent claims 14-17, 26 and 27 also are patentable.

The arguments presented above in support of claim 13 are also applicable to claim 18. With regard to the examiner's implied comment that the structure of claim 18 is a mere duplication of parts relative to the structure of claim 13, applicant has amended claim 18 to clarify that the structure defined by claim 18 is not in fact a mere duplication of parts. Thus, as shown in FIG. 6, the first and second channels are parallel and the second bore intersects both the first channel and the second channel.

The arguments presented above in support of claim 13 are also applicable to claim 18. Therefore, claim 18 is patentable and it follows that the dependent claims 19-25 also are patentable.

Respectfully submitted,

/John Smith-Hill/
John Smith-Hill
Reg. No. 27,730

Chernoff, Vilhauer, McClung & Stenzel, LLP
601 SW Second Ave. Ste. 1600
Portland, OR 97204

Tel. (503) 278-3334
Fax (503) 228-4373

Docket: AWEK.3513